



Hundredth Legislature - Second Session - 2008
Introducer's Statement of Intent
LB 901

Chairperson: Brad Ashford
Committee: Judiciary
Date of Hearing: January 31, 2008

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 901 is intended to create a Good Samaritan Law for a new type of Good Samaritan in a public health emergency or disaster. The current Good Samaritan Act in Nebraska only protects an individual who spontaneously assists at the scene of an accident or other emergency-it does not protect trained and organized volunteer emergency workers in an ongoing public health emergency or disaster.

The Emergency Management Act, Sections 81-829.36 to 81-829.75 at Section 81-829.55 provides broad immunity for emergency management workers for liability for death of or injury to persons or for damage to property as the result of any activity once the Governor has declared an emergency. A gap in the law identified by a legislative study pursuant to LR 452 is the liability of emergency management workers in the absence of an emergency declaration by the Governor or a local political subdivision, and during training and mandatory exercises. LB 901 is narrowly designed to fill that gap.

Health care workers are concerned about their liability for their acts at all times. Last year, the Legislature adopted legislation to allow medical professional to say, within defined parameters, that they are sorry for medical mistakes and not increase their liability. LB 901 is crafted to be consistent with the Emergency Management Act and to clearly provide protection from liability for the training of emergency management workers. The public interest is clearly served by laws to encourage the recruitment and training of health professionals to respond to public health emergencies and disasters.

Nebraskans should also be clearly encouraged to volunteer, be trained and be members of a Community Emergency Response Team or Medical Reserve Corps organized under the federal Homeland Security Act. A national network of volunteers dedicated to ensuring hometown security is being developed. This program prepares citizens to respond and supplement government resources in a disaster or homeland security situation. The Medical Reserve Corp is a partner program to the Community Emergency Response Team and its mission is to establish corps of local volunteer medical and public health professionals who can contribute and exercise their skills throughout the year and during times of community need. LB 901 is designed to fill a gap in the law to encourage recruitment and training of emergency management workers.

A handwritten signature in black ink, reading "Joel T. Johnson". The signature is written in a cursive style with a large initial "J".

Principal Introducer:

Senator Joel T. Johnson